

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DOMINIQUE SANDRA MARIE LAX;
CRYSTAL LAX,

Plaintiffs,
-against-

DOC RIKERS ISLAND ROSE M. SINGER
CENTER AND STAFF, et al.,

Defendants.

23-CV-0622 (LTS)

ORDER OF DISMISSAL

LAURA TAYLOR SWAIN, Chief United States District Judge:

By order dated February 3, 2023, the Court held that to proceed with a civil action in this Court, a plaintiff must either pay \$402.00 in fees – a \$350.00 filing fee plus a \$52.00 administrative fee – or, to request authorization to proceed without prepayment of fees, submit a signed *in forma pauperis* (IFP) application. The Court noted that in an action where there are multiple plaintiffs, each plaintiff must submit her own IFP application.

The original IFP application (ECF 1) was signed by both Plaintiffs but appeared to include financial information only for Plaintiff Dominique Lax. The Court notified Crystal Lax in the February 3, 2023, order that she could not proceed as a plaintiff unless she submitted, within 30 days, her own IFP application, responding to questions about her personal financial circumstances. Moreover, the Court indicated that because Dominique Lax was a prisoner within the meaning of 28 U.S.C. § 1915(h) at the time of filing this action, she was required to submit a prisoner authorization.

Plaintiff Crystal Lax did not submit an IFP application, and the Court therefore dismisses her claims, if any, without prejudice for failure to comply with the Court's February 3, 2023, order. Plaintiff Dominique Lax submitted an IFP application and prisoner authorization (ECF 5-6), and on March 29, 2023, the Court granted her request to proceed IFP. (ECF 7.)

It appears from public records that Plaintiff Dominique Lax was released from detention at the Rose M. Singer Center on March 29, 2023. The Court therefore directs Plaintiff Dominique Lax to notify the Court, within 30 days: (1) of any change in her mailing address; and (2) whether she still intends to prosecute this action.

CONCLUSION

Plaintiff Crystal Lax did not submit an IFP application, and the Court therefore dismisses her claims without prejudice for failure to comply with the Court's February 3, 2023, order. Public records indicate that Plaintiff Dominique Lax was released from the Rose M. Singer Center. The Court therefore directs Plaintiff Dominique Lax to notify the Court in writing, within 30 days: (1) of any change in her mailing address; and (2) whether she still intends to prosecute this action.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444–45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

SO ORDERED.

Dated: April 5, 2023
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN
Chief United States District Judge